THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.3325 of 1998

Date: 29.03.2007

Between:

Surapaneni Subhas Chandra Bose

…PETITIONER

a n d

1. The General Manager, Telecom Department, 7 Star Building, Labbipet, Vijayawada and another

…RESPONDENTS

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.3325 of 1998

ORDER:

This writ petition is filed seeking a declaration that the award dated 15.12.1995 passed by the second respondent under Section 7B of the Telegraph Act (for short – 'the Act') as arbitrary and illegal.

2. A perusal of the material on record shows that the petitioner herein who had the STD facility on his telephone No.475617 had disputed the bills dated 01.02.1991, 01.04.1991 and 01.06.1991 for Rs.10,269/-, Rs.11,382/- and Rs.8,664/- respectively on the ground that they were highly excessive and disproportionate. It was contended that in spite of protests made by him, the respondents failed to rectify the defects but the telephone was disconnected on the ground of non-payment of dues.

3. Pursuant to the order of the District Consumer Forum, Krishna District, in C.D.No.601/91, the respondents had referred the matter for arbitration under Section 7B of the Act. The second respondent herein, who was appointed as an arbitrator after hearing both the parties and after considering the material available on the record, found that the bills issued by the department were in order and that in addition to his making STD calls the petitioner had booked trunk calls worth Rs.610/- and Rs.4836/- covered by the bills dated 01.04.1991 and 01.06.1991 respectively. It was also held that no spurt was observed in the

fortnightly metre reading during that period. Accordingly, the second respondent-arbitrator concluded that the petitioner is liable to pay the outstanding amount of Rs.22,664/- in three equal instalments. The said award dated 15.12.1995 is under challenge in this writ petition.

4. Having heard the learned counsel for both parties, I do not find any justifiable grounds to hold that the impugned award suffers from any infirmity warranting interference by this court under Article 226 of the Constitution of India.

5. Accordingly, the writ petition is dismissed. No costs.

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29-03-2007

Cvrk